THE MYSORE ANATOMY ACT, 1957

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GOVERNMENT OF MYSORE

LEGISLATIVE DEPARTMENT

MYSORE ACT No. 23 OF 1957

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THE MYSORE ANATOMY ACT, 1957

(Received the assent of the Governor on the Thirteenth Day of September 1957.)

AN ACT TO PROVIDE FOR THE SUPPLY OF UNCLAIMED BODIES OF DECEASED PERSONS TO HOSPITALS AND MEDICAL AND TEACHING INSTITUTIONS FOR THE PURPOSE OF ANATOMICAL EXAMINATION AND DISSECTION AND OTHER SIMILAR PURPOSES.

WHEREAS it is expedient to provide for the supply of unclaimed bodies of deceased persons to hospitals and medical and teaching institutions for the purpose of anatomical examination and dissection and other similar purposes :

BE it enacted by the Mysore State Legislature in the Eighth Year of the Republic of India as follows :—

1. *Short title, extent and commencement.*—(1) This Act may be called the Mysore Anatomy Act, 1957.

(2) It extends to the whole of the State of Mysore.

(3) It shall come into force at once in the South Kanara District ; and on such date or dates and in such other area of the State as the State Government may by notification in the Official Gazette, specify from time to time.

2. *Definitions.*—(1) In this Act, unless there is anything repugnant in the subject or context—

(*a*) " approved institution " means a hospital or a medical college or an allied institution as may be declared by the State Government by notification in the Official Gazette, to be an approved institution for the purpose of this Act ;

(*b*) " authorised officer " means an officer authorised under section 3 ;

(*c*) " hospital " means any hospital established or maintained by the State Government or by any municipal corporation, municipal council, municipal borough, district municipality, district board or panchayat, and includes any other hospital which may be declared by the State Government by notification in the Official Gazette, to be a hospital for the purposes of this Act ;

(*d*) " person interested " means a near relative or any other person who is interested in the disposal of the body of the deceased person in accordance with the religious usage or social custom of such deceased.

Explanation.—For purposes of this clause, " near relative " means any of the following relatives of the deceased, namely, wife, husband, parent, son, daughter, brother or sister and includes any other person who is related to the deceased (i) by lineal consanguinity within three degrees or by collateral consanguinity within six degrees or (ii) by marriage with any of the relatives aforesaid. The expressions " lineal consanguinity " and " collateral consanguinity " shall have the meaning assigned to them in the Indian Succession Act, 1925, (Central Act XXXIX of 1925) and degrees of relationship shall be computed in the manner laid down in that Act ;

(*e*) " prescribed " means prescribed by rules made under this Act ;

(*f*) " unclaimed body " means the body of a person who dies in a hospital, prison or public place or a place to which members of the public have got access and which has not been claimed by any person interested within such time as may be prescribed.

(2) The Mysore General Clauses Act, 1899, (Mysore Act III of 1899) shall apply for the interpretation of this Act, as it applies for the interpretation of a Mysore Act.

3. *Power of State Government to authorise officers to act under section* 4.—(1) The State Government may, by notification in the official Gazette, authorise for the area in which this Act comes into force or any part thereof, one or more officers to whom a report shall be made under section 4 and such officer or officers shall be competent to act under the said section.

(2) Every officer authorised under sub-section (1) shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code (Central Act XLV of 1860).

4. *Unclaimed dead bodies in hospitals, prisons and public places how to be dealt with.*—(1) If a person dies in a hospital or in a prison and his body is not claimed by any person interested within

the prescribed time, the authority in charge of such hospital or prison or any police officer shall, with the least practicable delay report the fact to the authorised officer and the said officer shall take possession of the unclaimed body and except in the case referred to in sub-section (3), hand it over to the authority in charge of an approved institution, if it is required by that authority, for the purpose of conducting anatomical examination and dissection or other similar purpose.

(2) If a person dies in any public place in an area in which he had no permanent place of residence and the body of that person is not claimed by any person interested within the prescribed time, the authorised officer shall take possession of such unclaimed body and except in the case referred to in sub-section (3), hand it over to the authority in charge of an approved institution, if it is required by that authority, for the purposes specified in sub-section (1).

(3) When there is any doubt regarding the cause of death or when for any reason the authorised officer considers it expedient so to do, he shall forward the unclaimed body to the police officer referred to in section 174 of the Code of Criminal Procedure, 1898 (Central Act V of 1898).

(4) Where any unclaimed body taken possession of by the authorised officer under this section is not required by the authority in charge of an approved institution for the purpose specified in sub-section (1) it shall be disposed of in such manner as may be prescribed.

5. *Doubt or dispute as to near relative to be referred to City Magistrate or Magistrate of the First Class.*—(1) If any doubt or dispute arises whether a person is or is not a person interested for the purpose of section 4 the matter shall be referred to the City Magistrate or a Magistrate of the irst Class and the decision of such Magistrate shall be final.

(2) Pending such decision, the body of the deceased person shall be preserved from decay in such manner as may be prescribed.

6. *Penalty.*—Whoever disposes of, or abets the disposal of, an unclaimed body save as provided by this Act, or obstructs any authority in charge of an approved institution or an authorised officer from handing over, taking possession of, removing or using, such dead body for the purposes specified in section 4, shall be punishable with fine which may extend to five hundred rupees.

7. *Duty of Police and other officers to assist in obtaining possession of unclaimed bodies.*—All officers and servants of the Police, Medical and Public Health Departments. all officers and servants in the service of a local authority, and all village officers and servants shall be bound to take all reasonable measures to assist authorised officers in the discharge of their duties under this Act.

8. *Protection of persons acting under this Act.*—No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done in pursuance of this Act.

9. *Power to make rules.*—The State Government, may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

10. *Repeal.*—The Madras Anatomy Act, 1951 (Madras Act XVIII of 1951) in force in Bellary District and the Madras Area, the Bombay Anatomy Act, 1949 (Bombay Act XI of 1949) in force in the Bombay Area and the Hyderabad Pathology and Anatomy Act, 1955 (Hyderabad Act No. X of 1955) in force in the Hyderabad Area are hereby repealed:

Provided that, anything done or any action taken (including any appointment or rules made, notification, order, or direction issued) under the said Acts shall be deemed to have been done or taken under the corresponding provisions of this Act and shall continue to be in force accordingly, unless and until superseded by anything done or any action taken under this Act.